DEC 0 5 7005

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of CREAMER, et al.

Confirmation No.: 89

8949

Serial No.:

10/038,719

Group:

2145

Examiner:

Swearingen, Jeffrey R.

Date Filed:

January 3, 2002

Docket No.:

BOC9-2000-0061 (196)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, Glen R. Walters, a citizen of the United States, residing in Hollywood, Florida, hereby declare and state as follows:
- 1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.
- 2. IBM had invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).
- 3. As a named co-inventor for this invention, I and my co-inventors prepared and submitted the attached Invention Disclosure No. BOC8-2000-0054 pursuant to IBM guidelines.
- 4. IBM Confidential Invention Disclosure BOC8-2000-0054 was originally submitted for consideration to an IBM Attorney / Patent Professional for preparation of a patent application on June 7, 2000. The content of the disclosure has not been subsequently modified. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

Declaration Under 37 C.F.R. §1.131 U.S. Patent Appln. No. 10/038,719 Docket No. BOC9-2000-0061 (196)

- 5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.
- 6. I make this Declaration to establish that my co-inventor and I conceived of the present invention at least as early as June 7, 2000, and exercised due diligence from prior to June 7, 2000 through January 3, 2002, the filing date for the above-identified patent application.
- 7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

GLEN R. WALTERS

Date: 12/2/05

STATE OF FLORIDA) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was sworn to and subscribed before me this 2 day of December 2005, by GLEN R. WALTERS, who is personally known to me or who has produced (type of identification) as identification.

ELAINE P. VENTURELU

MY COMMISSION # DD 288675

EXPIRES: March 14, 2008

1-000-3-NOTARY FL Notary Discount Assoc Co.

NOTARY PUBLIC, STATE OF FLORIDA

(Print, Type or Stamp Commissioned Name of Notary Public)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: CREAMER, et al.

Confirmation No.:

8949

Scrial No.:

10/038,719

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2145

Examiner:

Swearingen, Jeffrey R.

Date Filed:

January 3, 2002

Docket No.:

BOC9-2000-0061 (196)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, Thomas E. Creamer, a citizen of the United States, residing in Boca Raton, Florida, hereby declare and state as follows:
- 1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York at the time the above-identified application was conceived. I make this declaration in support the above-identified application.
- 2. IBM had invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).
- 3. As a named co-inventor for this invention, I and my co-inventors prepared and submitted the attached Invention Disclosure No. BOC8-2000-0054 pursuant to IBM guidelines.
- 4. IBM Confidential Invention Disclosure BOC8-2000-0054 was originally submitted for consideration to an IBM Attorney / Patent Professional for preparation of a patent application on June 7, 2000. The content of the disclosure has not been subsequently modified. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-mentioned patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

Declaration Under 37 C.F.R. §1.131 U.S. Patent Appln. No. 10/038,719 Docket No. BOC9-2000-0061 (196)

- 5. I diligently worked with outside counsel to prepare and file the above-mentioned patent application.
- 6. I make this Declaration to establish that my co-inventor and I conceived of the present invention at least as early as June 7, 2000, and exercised due diligence from prior to June 7, 2000 through January 3, 2002, the filing date for the above-identified patent application.
- 7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

THOMAS E. CREAMER

Date: Pecember 5, 2005

STATE OF FLORIDA)
) ss:
COUNTY OF PALM BEACH)

The foregoing instrument was sworn to and subscribed before me this <u>5</u> day of <u>BEMBER</u>, 2005, by THOMAS E. CREAMER, who is <u>personally known</u> to me or who has produced (type of identification) as identification.

ELAINE P. VENTURELLI
MY COMMISSION # DD 288575
EXPIRES: March 14, 2008
1-800-3-NOTARY
FL NOTARY DISCOURT AREAC. Co.

NOTARY PUBLIC, STATE OF FLORIDA

Elane & Ventuelli

(Print, Type or Stamp Commissioned Name of Notary Public)

Application No.

10/038,719

Confirmation No.

8949

Applicant

Creamer, et al.

Filed

January 3, 2002

TC/A.U.

2145

Examiner

Swearingen, Jeffrey R.

Docket No.

BOC9-2000-0061 (196)

TRANSMITTAL LETTER

MAIL STOP AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please find enclosed for filing:

1. Response to Office Action;

2. Declarations Under 37 C.F.R. § 1.131;

3. Confidential Invention Disclosure, submitted in confidence under seal.

4. Composite Exhibits "A" and "B", submitted in confidence under seal;

Please charge the required fees and any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,

Date: December 5, 2005

Gregory A. Nelson, Registration No. 30,577 Richard A. Hinson, Registration No. 47,652

Marc A. Boillot, Registration No. 56,164

AKERMAN SENTERFITT

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000

EAP0304P44BR

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being transmitted to Mailstop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, via U.S.P.S. Express Mail, Label No. 603076778 US on

December 5, 2005

Date

Richard A Hinson Esquire

Reg. No. 47,652

Application No.

10/038,719

Confirmation No.

8949

Applicant

Creamer, et al.

Filed

January 3, 2002

TC/A.U.

2145

Examiner

Swearingen, Jeffrey R.

Docket No.

BOC9-2000-0061 (196)

Confidential Invention Disclosure No. BOC8-2000-0054 Submitted June 7, 2000

CONFIDENTIAL

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Disclosure BOC8-2000-0054

Created By: Tom Creamer Created On: 06/07/2000 04:07:24 PM
Last Modified By: Tom Creamer Last Modified On: 06/07/2000 04:17:29 PM

*** IBM Confidential ***

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

Summary

Status	Submitted
Processing Location	
Functional Area	Solution Technology (Tempelmeyer) Div 7J
Attorney/Patent	Richard Tomlin/Boca Raton/IBM
Professional	
Submitted Date	06/07/2000 04:16:52 PM
Owning Division	swg
SOCO	
	ВО
Incentive Program	
Lab	
Technology Code	

Inventors with Lotus Notes IDs

Inventors: Tom Creamer/Fort Lauderdale/IBM, Vic Moore/Fort Lauderdale/IBM, Glen Walters/Fort Lauderdale/IBM

Inventor Name > denotes primary contact	Inventor Serial	Div/Dept	Manager Serial	Manager Name	
Creamer, Thomas E.					
Moore, Victor S.					
Walters, Glen R.					-

Inventors without Lotus Notes IDs

IDT Selection

IDT Team:	 r :	 Attorney/Patent Professional:		
		Richard Tomlin/Boca Raton/IBM	 	

Main Idea

*Title of disclosure (in English)

Instant Messaging/Chat client with "Set-up a Voice/Phone Conference" feature

*Idea of disclosure

1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

This allows a person to select a symbol or icon in an instant messaging or chat session. When the person selects or clicks on the symbol or icon, a voice/phone conference is initiated between the instant messaging or chat session participants. Whether the call is PSTN or Voice over IP (VoIP) based is determined by instant messaging or chat session participants preference.

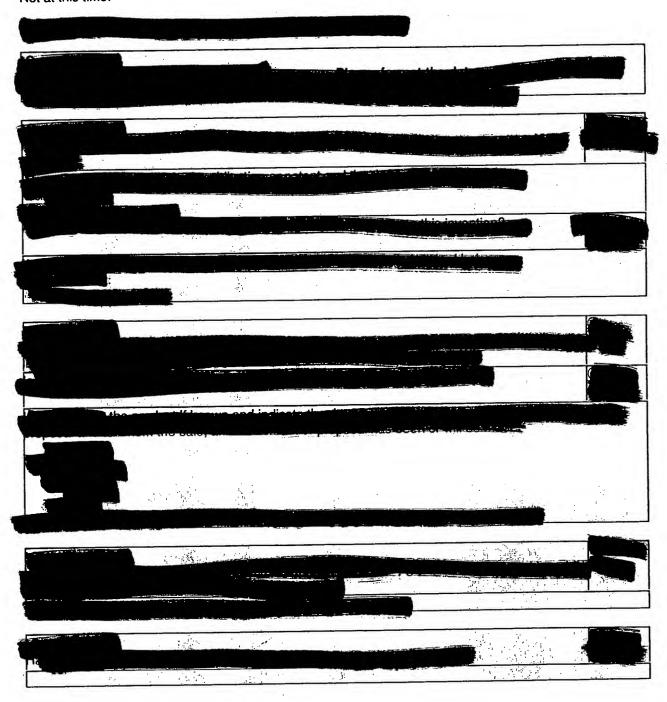
2. How does the invention solve the problem or achieve an advantage, (a description of "the invention",

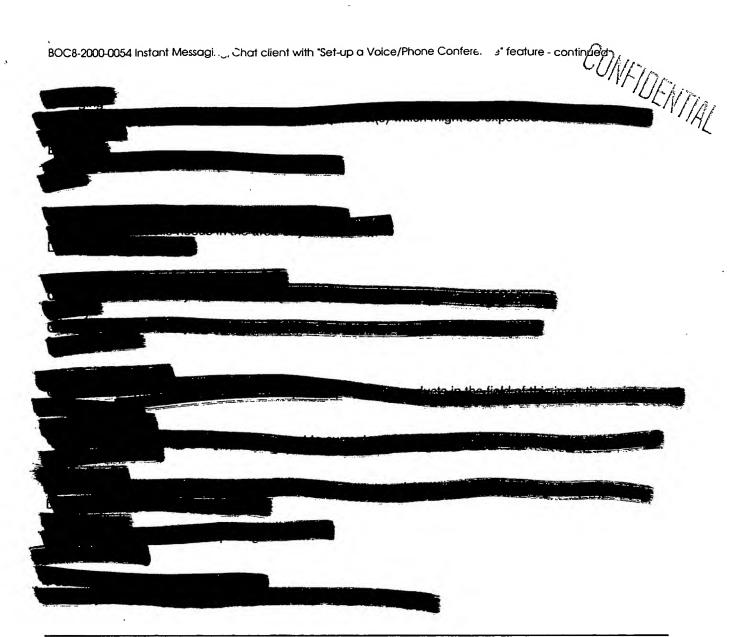


including figures inline as appropriate)?

This invention allows instant messaging or chat session clients to link with network features which support voice processing. The instant messaging or chat session clients in the voice conference do not have to understand how to set-up the voice conference.

- 3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better? No.
- 4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation. Not at this time.





(Form Revised 12/17/97)

Application No.

10/038,719

Confirmation No. :

8949

Applicant

Creamer, et al.

Filed

January 3, 2002

TC/A.U.

2145

Examiner

Swearingen, Jeffrey R.

Docket No.

BOC9-2000-0061 (196)

Composite Exhibit "A"

<u>CONFIDENTIAL</u>

NOT FOR SCANNING INTO THE PUBLIC FILE



1798 NW 40th Street Boca Raton, FL 33431

October 2, 2000

Ackerman, Senterfitt & Eidson, P.A. 222 Lakeview Avenue Fourth Floor Post Office 3188 West Palm Beach, FL 33402-3188

GUNTIUENTIAL

Dear Steve,

Please prepare and file the cases listed below with the U. S. Patent and Trademark Office. A copy of the invention disclosure is enclosed for your use in preparing the application in accordance with IBM's format.

Invention Disclosure: Title: IBM Docket: BOC9-2000-0055 Invention Disclosure: Title: IBM Docket: BOC9-2000-0056 Invention Disclosure: Title: IBM Docket: BOC9-2000-0057 Invention Disclosure: Title: (IBM Docket: BOC9-2000-0058 Invention Disclosure: Title: IBM Docket: BOC9-2000-0059 Invention Disclosure: Title: IBM Docket: BOC9-2000-0060 Invention Disclosure: BOC8-2000-0054

Title: INSTANT MESSAGING/CHAT CLIENT WITH "SET-UP A VOICE/PHONE CONFERENCE"

FEATURE

IBM Docket: BOC9-2000-0061

Thank you for your assistance in this matter.

Sincerely,

Richard A. Tomlin Consulting Attorney

Richard a. Temlin

Enclosures

AKERMAN SENTERFITT, P.A

01/02/01 | Remindes 04/02/01-File Apple by Joday

AKERMAN SENTERFITT

ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400
WEST PALM BEACH, FLORIDA 33401
PHONE (561) 653-5000 • FAX (561) 653-5333
http://www.akerman.com

CONFIDENTIAL

October 11, 2000

Richard A. Tomlin, Esq. IBM Corporation 1798 NW 40th Street Internal Zip 2106 Boca Raton, FL 33431

Re: New Patent Application

INSTANT MESSAGING/CHAT CLIENT WITH "SET-UP A VOICE/PHONE

CONFERENCE" FEATURE

IBM Docket No. BOC9-2000-0061; Our Docket No. 6169-196

Dear Dick:

Thank you for your letter dated October 2, 2000. In accordance with your instructions, a patent application will be filed in the above-referenced matter on or before April 2, 2001. Notwithstanding, we will strive to prepare the patent application in an expedient manner.

As always, thank you for allowing us to be of assistance to you.

Very truly yours,

AKERMAN SENTERFITT

Steven M. Greenberg

SMG/kmw

cc: Gregory A. Nelson, Esq.

P1000807.WPD

	DATE T	TIME		J/FRO				MIN/SEC			STATUS	
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AKERMAN SENTERFITT

ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400
POST OFFICE BOX 3188
WEST PALM BEACH, FLORIDA 33402-3188
PHONE (561) 653-5000 • FAX (561) 653-5333
http://www.akcrman.com



FAX: 561-443-8544

Equitrac User ID:

PLEASE DELIVER THE ACCOMPANYING TELECOPIED MATERIAL TO:

NAME: Thomas E. Creamer

PHONE: TOTAL PAGES: 26

FIRM/COMPANY NAME: CITY, STATE:

SENDER'S NAME: Kevin Cuenot

Comments from Sender:

Draft application for your review.

PLEASE CALL (813) 223-7333, EXT. 5210 IMMEDIATELY

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ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400
WEST PALM BEACH, FLORIDA 33401
PHONE (561) 653-5000 • FAX (561) 653-5333
http://www.akerman.com



May 9, 2001

VIA FACSIMILE 561-443-8544

Mr. Thomas E. Creamer IBM Corporation 1798 NW 40th Street Internal Zip 2106 Boca Raton, FL 33431

Re:

New Patent Application

INSTANT MESSAGING WITH VOICE CONFERENCE FEATURE

IBM Docket: BOC9-2000-0061; Our Ref: 6169-196

Dear Tom:

Enclosed please find a draft of a patent application for the above-identified matter. Please review it carefully to ensure that the description of the invention accurately recites all of the invention's characteristics in the broadest possible manner, while also explaining, in detail, the preferred embodiment of the invention. The drawings should also be reviewed to confirm that they accurately depict the various details of the invention as you understand them. Finally, please read through the numbered claims at the end of the application. The claims will define the scope of protection any patent issuing from this application will provide. Accordingly, you should review them to ensure that they do not unduly restrict the scope of the invention by including any unnecessary detail. After you have reviewed the application, please call me with any comments you may have.

Please recall that patent applicants have a duty to disclose to the United States Patent Office all reasonably pertinent prior art of which they are aware. Failure to do so can jeopardize the validity of any patent issuing from an application. Accordingly, should you become aware of such references at any time during the pendency of this application, please let us know.

Very truly yours,

AKERMAN SENTERFITT

Kein Ti Cun X

Kevin T. Cuenot

KTC/kmw Enclosures

P1012744;1

	DATE	TIME	TD/FROM	MODE	MINVSEC	PGS	JOB#	STATUS	
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AKERMAN SENTERFITT

ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400
POST OFFICE BOX 3188
WEST PALM BEACH, FLORIDA 33402-3188
PHONE (561) 653-5000 • FAX (561) 653-5333
http://www.akerman.com



FAX: 561-443-6824

Equitrac User ID:

PLEASE DELIVER THE ACCOMPANYING TELECOPIED MATERIAL TO:	TRANSMITTAL DATE:	Jul 6, 2001
NAME: Glen R. Walters	CLIENT/MATTER NO:	6169-196
PHONE:	TOTAL PAGES:	26
FIRM/COMPANY NAME:	CITY, STATE:	

SENDER'S NAME: Kevin T. Cuenot	
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Page 1

From:

Alaine Allison

To:

eventure@us.ibm.com

Date:

9/25/01 2:07PM

Subject:

Questions referenced in voicemail

Hello Elaine:

Here are the questions I have that I'm hoping you can shed the answers to:

(1)

to date.

(2) BOC9-2000-0061 [6169-196] and BOC9-2000-0099 [6169-223] The draft patent applications were sent to Glen Walters on 07/06/01. We have not received any comments from him as yet. Neither of these applications have been indicated to hold until next year for filing by you, but can you see what the status of Mr. Walters' review is?

Thanks.

Alaine Allison Akerman Senterfitt & Eidson, P.A. 222 Lakeview Avenue, Suite 400 West Palm Beach, FL 33401 (561) 653-5322

CC:

Cuenot, Kevin T.

From:

Alaine Allison

To:

eventure@us.ibm.com

Date:

9/25/01 3:42PM

Subject:

BOC9-2000-0061 [6169-196]

Here are the drawings and draft application for this file. Please call if you need hard copies.

Alaine Allison Akerman Senterfitt & Eidson, P.A. 222 Lakeview Avenue, Suite 400 West Palm Beach, FL 33401 (561) 653-5322 CONFIDENTIAL

From:

"Elaine Venturelli" <eventure@us.ibm.com>

To:

<AAllison@Akerman.com>

Date:

9/27/01 2:05PM

Subject:

BOC9-2000-0061 [6169-196]

Alaine, Glen Walters has reviewed this application and said it is okay to process.

Intellectual Property Law Operations Administrator (561-862-2733 or T/L 975-2733) 8051 Congress Avenue, Internal Zip 4042 Boca Raton, FL 33487

---- Forwarded by Elaine Venturelli/Boca Raton/IBM on 09/27/2001 02:04 PM

"Alaine

Allison"

To:

Elaine Venturelli/Boca Raton/IBM@IBMUS

<AAllison@Aker

man.com>

Subject:

BOC9-2000-0061 [6169-196]

09/25/2001 03:42 PM

Here are the drawings and draft application for this file. Please call if you need hard copies.

Alaine Allison Akerman Senterfitt & Eidson, P.A. 222 Lakeview Avenue, Suite 400 West Palm Beach, FL 33401 (561) 653-5322(See attached file: Fig1.sdr)(See attached file: Fig2.sdr) (See attached file: Fig3.sdr)(See attached file: P1011687.WPD)



ATTORNEYS AT LAW

222 LAKEVIEW AVENUE, SUITE 400
WEST PALM BEACH, FLORIDA 33401
PHONE (561) 653-5000 • FAX (561) 653-5333
http://www.akerman.com



October 1, 2001

Mr. Glen R. Walters IBM Corporation 8051 Congress Avenue IMAD 4042 Boca Raton, FL 33431

Re:

New Patent Application

INSTANT MESSAGING WITH VOICE CONFERENCE FEATURE

IBM Docket No. BOC9-2000-0061; Our Ref: 6169-196

Dear Glen:

Enclosed please find a final draft of the above-identified patent application together with the Declaration and Power of Attorney, Assignment, and Oath and Assignment for the Republic of China. If the application is acceptable, please sign and <u>date</u> the enclosed documents where indicated and instruct the other inventors to do the same. Please note that pursuant to IBM's request, all of the signatures <u>must</u> be contained on the same page(s). In addition, pursuant to IBM's request, we must receive the originally executed Oath and Assignment for the Republic of China. Once the documents are fully executed, please fax the documents to me at 561-653-5333 along with mailing the originals to the address listed above.

Please feel free to contact me if you should have any questions or comments.

Very truly yours,

AKERMAN SENTERFITT

Hum T. Curret

Kevin T. Cuenot

KTC/aa Enclosures

PLAINE

I KEPT THE THIWAN

OATH & ASSIGNMENT FOR

THIS. IHANKS!
ELHINE

Per EV on 10/24/01-hold Whit 01/02/02 Application No.

10/038,719

Confirmation No.

8949

Applicant

Creamer, et al.

Filed

January 3, 2002

TC/A.U.

2145

Examiner

Swearingen, Jeffrey R.

Docket No.

BOC9-2000-0061 (196)

Composite Exhibit "B"

<u>CONFIDENTIAL</u>

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Page lof3

March 2, 2001 CONFIDENTIAL

gan/8mg

CONFIDENTIAL April 2, 2001 16169-1961

CONFIDENTIAL May 2, 2001 Prepared File Patents In Process JAN 8mg 16169-196

Prepare '? File Patents

July 3, 2001 - Inglat ro mento -196

Actions Due

Monday, December 05, 2005

Page: 1

ocket Number:

06169-0196

SubCase: 0

Country:

US

United States of America

Case Type: PRI

Status: Published

Filing Date: 03-Jan-2002

Action Type: Status Of Filing New Appln.

Base Date: 25-Aug-2001

Application #: 10/038719

Response sent date:

Action(s) Due	Due Date	Indicator	Taken
Status Of Filing New Appln.	25-Aug-2001	Final	21-Aug-2001
Status Of Filing New Appln.	25-Sep-2001	Reminder	20-Sep-2001
Status Of Filing New Appln.	25-Oct-2001	Reminder	25-Oct-2001

Remarks:

9/20/01: r/o 1 month

User ID: zkebede

Date Created: 12-Aug-2001.

Last Update: 30-Oct-2001

Actions Due

Monday, December 05, 2005

Page: 1

ocket Number:

06169-0196

SubCase: 0

Country: US

United States of America

Case Type: PRI

Status: Published

Filing Date: 03-Jan-2002

Action Type: File Application Today

Base Date: 01-Jan-2002

Application #: 10/038719

Response sent date: 03-Jan-2002

Action(s) Due	Due Date	Indicator	Taken
File Application Today	01-Jan-2002	Due Date	03-Jan-2002
File Application on 1/1/02	01-Dec-2002	Reminder	03-Jan-2002

Remarks:

9/20/01: r/o 1 month

User ID: zkebede

Date Created: 30-Oct-2001

Last Update: 14-Jan-2002

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